

# Wetlands Bureau Decision Report

Decisions Taken  
12/01/2008 to 12/07/2008

## **DISCLAIMER:**

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

## **APPEAL:**

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 30 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Lawrence E. Morse, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

## MINOR IMPACT PROJECT

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**2007-00820                      TOWN OF NEW IPSWICH**  
**NEW IPSWICH   Unnamed Stream Wetlands**

### Requested Action:

Withdraw application to dredge and fill 7,904 square feet of palustrine wetlands for soccer field construction.

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### WITHDRAW APPLICATION:

Withdraw application to dredge and fill 7,904 square feet of palustrine wetlands for soccer field construction.

### With Findings:

1. The May 29, 2008, Timeframe Review Extension by Mutual Agreement required submittal of items outlined in the Agreement by July 28, 2008.
2. The Agreement clearly states if the required items are not submitted by the deadline that by signing the agreement the applicant agrees to withdraw the application.
3. Therefore, the application has been withdrawn.

**2007-02016                      BERARDI, DAN**  
**BETHLEHEM   Unnamed Stream**

### Requested Action:

Proposal to impact 140 sq. ft. of wetlands to install an 18 inch diameter plastic culvert for a driveway to a proposed residential home site.

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### DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny proposal to impact 140 sq. ft. of wetlands to install an 18 inch diameter plastic culvert for a driveway to a proposed residential home site.

### With Findings:

1. A request for additional information dated November 5, 2007, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. Pursuant to RSA 482-A:3, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.
4. The project was reviewed by the Wetlands Bureau Compliance Section and a restoration plan to restore approximately 9,500 sq. ft. of wetlands and 145 linear feet of stream channel was approved by DES on July 17, 2008.
5. The permit application was never withdrawn by the applicant.

**2007-02435                      WALKER, MICHELLE**  
**WOLFEBORO   Lake Winnepesaukee**

### Requested Action:

Applicant requests reconsideration based on design revisions.

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### APPROVE RECONSIDERATION:

Reconsider and approve the request to: Remove a 16 ft 3 in x 24 ft 8 in boathouse over public waters supported by a "U" shaped, crib supported, docking facility consisting of a 10 ft x 42 ft 9 in pier and an 8 ft x 29 ft 3 in pier connected by an 11 ft x 12 ft walkway, construct a new a 13 ft 6 in x 29 ft boathouse over public waters supported by a "U" shaped, piling supported, docking facility consisting of an 8 ft x 41 ft pier and a 6 ft x 38 ft pier connected by an 6 ft x 12 ft walkway, and perch an existing 18 ft x 11 ft beach on an average of 237 ft of frontage on Lake Winnepesaukee, in Wolfeboro.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction revised November 18, 2008, as received by DES on November 19, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
4. The boathouse shall be a single-story structure; ridgeline not to exceed 11 ft 6 in in height above the dock surfaces.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area and shall remain until suspended particles have settled and water at the work site has returned to normal clarity.
6. The reconfigured dock facility shall maintain the same location on the frontage as the pre-existing structures.
7. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
8. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
10. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
11. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
12. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 504.32).
13. The steps installed for access to the water shall be located completely landward of the normal high water line.
14. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
15. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This project is classified as a minor impact project per Rule Env-Wt 303.03, (d), modification of a 3 slip permanent docking facility.
2. The proposed modifications will reduce the Construction surface area over public submerged lands, and will not increase the number of slips provided or the environmental impact of the structure and, therefore, meets the requirements of Rule Env-Wt 402.21.

**2008-00682                      MARBINA WOODS LLC**  
**STRATFORD   Unnamed Wetland**

Requested Action:

Proposal to dredge and fill 9,371 sq. ft. of forested wetlands for construction of a driveway to a home site on combined parcel lot of 2,146 acres.

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APPROVE PERMIT:

Dredge and fill 6,922 sq. ft. of forested wetlands (includes one intermittent stream crossing and 500 sq. ft. of wetlands restoration) for construction of a driveway to a home site, future gatehouse, guest house and equipment storage building on combined parcel lot

of 2,146 acres. Work in wetlands consists of 5 wetlands crossings with crossing specific culvert designs, associated grading, filling and stone headwalls and 1 side slope grading crossing with associated filling, grading and side slope protection. Restoration includes restoring wetland impacts created by forest clearing for the proposed driveway.

With Conditions:

1. All work shall be in accordance with plans and narratives by George E. Sansoucy, P.E., LLC, revision dated through October 13, 2008, as received by DES on November 6, 2008 and narratives by Watershed to Wildlife, Inc., dated November 2008, as received by DES on November 6, 2008.
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. A New Hampshire Certified Wetland Scientist shall oversee the installation of the wetlands crossings and wetlands restoration activities to assure they are constructed per the approved plans and narratives.
4. Wetlands restoration areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or it shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
5. All existing impacts areas shall be properly stabilized until the completion of construction.
6. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
7. Work shall be done during low flow.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. Proper headwalls shall be constructed within seven days of culvert installation.
13. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
15. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
16. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
17. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
18. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
19. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
20. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h) Projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas

and environments under the department's jurisdiction per Env-Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The wetlands impacts have been reduced from 9,371 sq. ft. to 6,422 sq. ft. of new permanent impacts for the additional access road.
5. The applicant has purchased 12 lots, the majority of a subdivision that was recorded in 1975 and 1976, to rejoin for one contiguous 2,146 acre parcel.
6. DES issued a permit on December 20, 2007 for 400 sq. ft. of impact for access to the home site. Potential legal issues related to abutting land and access ownership and steep slopes has resulted in the request for additional impacts for a new access road from the applicant's deeded access from US Route 3. The new access road will then connect to the section of road owned by the applicant that contains the previously approved wetlands impact area.
7. The location of the road and wetlands impacts were required due steep slopes, access safety and distance from abutting property lines.
8. DES has not received any objections to the proposed project.

**2008-02062                      LONGFIELD, CHARLES & SUSAN**  
**MADISON   Silver Lake**

Requested Action:

Construct 30 linear feet of retaining wall on Silver Lake, Madison.

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Conservation Commission/Staff Comments:

No Con Com comments by December 04, 2008

DENY PERMIT:

Construct 30 linear feet of retaining wall on Silver Lake, Madison.

With Findings:

Standards for Approval

1. In accordance with RSA 482-A:3, Excavating and Dredging Permits, "[n]o person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp, or in an adjacent to any waters of the state without a permit from the department."
2. This project is classified as a minimum impact per Rule Env-Wt 303.04(m), "projects that disturb less than 50 linear feet, measured along the shoreline, of a lake or pond or its bank and do not meet the criteria of Env-Wt 303.03 or Env-Wt 303.02."
3. In accordance with Rule Env-Wt 302.04 for any major or minor project, the applicant shall demonstrate by plan and example that the need for the proposed impact.
4. In accordance with Rule Env-Wt 302.04 for any major or minor project, the applicant shall demonstrate by plan and example that the alternative proposed by the applicant is the one with the least impact to wetlands or surface waters on site.
5. In accordance with Rule Env-Wt 302.04(d) the department shall not grant a permit if there is a practicable alternative that would have a less adverse impact on the area and environments under the department's jurisdiction.
6. In accordance with Rule Env-Wt 404.01 Least Intrusive Method, Shoreline stabilization shall be by the least intrusive but practical method.

Findings of Fact

1. On September 23, 2008, the Wetlands Bureau received an application for surface water impacts, on the lot identified as Madison tax map 133, lots 14, to construct 30 linear feet of retaining wall on Silver Lake, Madison.
2. The applicant previously submitted a PBN (Permit by Notification) form to repair existing walls and construct a new wall in this location. The PBN was approved with this new wall removed from the plan.
3. On July 17, 2008, the applicant met with DES to discuss the proposal to construct a wall in this location. DES informed the applicant during the meeting any proposal for a new wall would have to meet all of the requirements of Env-Wt 100-800, including

but not limited to Rules Env-Wt 302.04 and Env-Wt 404.01.

#### Rulings in Support of Denial

1. The Applicant failed to submit information to the file demonstrating the need to construct a wall in this location as required per Rule Env-Wt 302.04.
2. The construction of a wall in this location is not the least impacting alternative and does not meet Env-Wt 404.05, therefore the application is denied.

#### MINIMUM IMPACT PROJECT

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#### **2007-01589                      WALPOLE, TOWN OF** **WALPOLE   Blanchard Brook**

##### Requested Action:

Deny permit to request to dredge and fill approximately 400 sq. ft. of Blanchard Brook to replace a failing existing 8-foot x 6-foot x 18-foot cement culvert with a 9-foot x 5-foot x 40-foot precast concrete culvert with block wingwalls.

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##### DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Dredge and fill approximately 400 sq. ft. of Blanchard Brook to replace a failing existing 8-foot x 6-foot x 18-foot cement culvert with a 9-foot x 5-foot x 40-foot precast concrete culvert with block wingwalls.

##### With Findings:

1. A request for additional information dated June 12, 2008, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. Pursuant to RSA 482-A:3, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

#### **2008-00168                      BEGIN HOMES LLC** **SUTTON   Unnamed Wetland**

##### Requested Action:

Retain 154 sq. ft. of excavated palustrine forested wetlands fill to install a concrete slab bridge for a driveway access to a single family residential building lot.

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##### APPROVE AFTER THE FACT:

Retain 154 sq. ft. of excavated palustrine forested wetlands fill to install a concrete slab bridge for a driveway access to a single family residential building lot.

##### With Conditions:

1. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

##### With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(z), installation of a culvert or bridge and associated fill

- to permit vehicular access to a piece of property for a single family building lot or for noncommercial recreational uses.
2. Permit by Notification 2006-0886 approved culvert installation for access to this parcel at the same crossing location.
  3. In October 2007 construction of the access and culvert installation began and at that time a stop work injunction was filed by an abutting property owner.
  4. As a result of court proceedings the proposed culvert was revised to a concrete block and slab bridge.
  5. A copy of the court document was submitted to serve written consent from the owners of lot 578-390.2 (Tax Map 4), abutters to the property on which project activities will take place, for work within 20 feet of their property lines, in accordance with Env-Wt 304.04(a).
  6. Access from Brown Road (class VI) is restricted.
  7. No comments were submitted from the Natural Heritage Bureau or the NH Fish and Game Department.
  8. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
  9. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
  10. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2008-00968                      KRB GROUP INC**  
**WHITEFIELD   Unnamed Wetland**

**Requested Action:**

Dredge and fill 1908 sq. ft. of forested wetlands for construction of an access road to a proposed 6-lot residential subdivision. Work in wetlands consists of three wetland crossings each containing a 24 in. x 30 ft. HDPE culvert with associated grading and headwalls.

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**APPROVE PERMIT:**

Dredge and fill 1908 sq. ft. of forested wetlands for construction of an access road to a proposed 6-lot residential subdivision. Work in wetlands consists of three wetland crossings each containing a 24 in. x 30 ft. HDPE culvert with associated grading and headwalls.

**With Conditions:**

1. All work shall be in accordance with the subdivision and wetland boundary plan by Colin F. Sutherland Surveying & Forestry, survey dated October 2007 and revised with additional wetland boundaries, as received by DES on November 3, 2008 and "Finished Grading Plan" and "Erosion Control and BMP Details & Notes" plan by George E. Sansoucy, PE, LLC., as received by DES on November 3, 2008.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #2 of this approval.
4. This permit shall not be effective until it has been recorded with the Coos County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
5. Work shall be done during low flow.
6. Orange construction fencing shall be placed at the limits of construction adjacent to wetlands in order to prevent accidental encroachment on wetlands during construction.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.

12. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
13. Proper headwalls shall be constructed within seven days of culvert installation.
14. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 square feet in swamps or wet meadows.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2008-01561                      WARREN, WILLIAM**  
**ENFIELD    Unnamed Stream**

Requested Action:

Proposal to dredge and fill 2350 sq. ft. of wetlands and associated intermittent stream along Shaker Hill Road for the installation of a common driveway to two lots of a proposed 8-lot residential subdivision (includes 7 proposed building lots and 1 approximately 240-acre "Remaining Land" lot). Work in wetlands consists of installation of a 30 in. x 45 ft. CMP culvert with a natural stone bottom, filling, grading and associated headwalls.

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APPROVE PERMIT:

Dredge and fill 2350 sq. ft. of wetlands and associated intermittent stream along Shaker Hill Road for the installation of a common driveway to two lots of a proposed 8-lot residential subdivision (includes 7 proposed building lots and 1 approximately 240-acre "Remaining Land" lot). Work in wetlands consists of installation of a 30 in. x 45 ft. CMP culvert with a natural stone bottom, filling, grading and associated headwalls.

With Conditions:

1. All work shall be in accordance with plans by ALW Surveys "Plan View", "Cross Section Drive" and "Profile" plans, as received by DES on August 12, 2008 and subdivision plan revision dated November 5, 2008, as received by DES on November 7, 2008.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback for the 7-proposed building lots.
3. Future access to the approximately 240-acre "Remaining Land" lot shall be through lot 77-7 and the right-of-way that terminates on the Prime Wetland boundary between lots 77-6 and 77-7 shall not be used for future access to the Remaining Land lot.
4. The future access to the Remaining Land lot through lot-77-7 that impacts Prime Wetlands, the Prime Wetlands buffer, wetlands, surface waters or their banks shall require further permitting by the DES Wetlands Bureau.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #2, #3 and #4 of this approval.
6. The deed for all lots within the subdivision including the Remaining Land lot having any portion within the 100 foot Prime Wetland Buffer or Prime Wetland shall include the following conditions #7 through #12 of this permit.
7. The boundaries of the 100-foot Prime Wetland buffer shall be clearly marked with orange construction fencing prior to construction, shall be remain marked until construction is complete and the work area is fully stabilized.
8. The boundaries of the 100-foot Prime Wetland buffer shall be permanently and clearly marked with signs every 75 feet to indicate the location of and restrictions on the area.
9. Erosion controls shall be properly installed and maintained and the construction sequence shall be performed in accordance with the approved plans. It is the responsibility of the permittee to ensure that the erosion controls are adequate for the site.
10. There shall be no dredging, removal, or disturbance of any existing vegetative undergrowth within the 100-foot Prime Wetland



buffer. The placement of fill, construction of structures, or storage of vehicles or hazardous materials is prohibited.

11. Any additional human activities within the 100-foot Prime Wetland Buffer without a wetlands permit may be considered in violation of RSA 482-A and may be subject to enforcement action by the Department of Environmental Services, including, but not limited to, the issuance of fines, administrative orders, or referral to the Department of Justice for the imposition of appropriate penalties.

12. Future development or subdivision of the Remaining Land lot shall require a full onsite wetlands delineation by a New Hampshire Certified Wetland Scientist ("CWS") and subsequent permitting if impacts to jurisdictional areas are required.

13. This permit shall not be effective until it has been recorded with the Grafton County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.

14. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

15. Work shall be done during non-flow.

16. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.

17. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

18. Proper headwalls shall be constructed within seven days of culvert installation.

19. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

20. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

21. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.

22. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

23. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

24. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.

25. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

26. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

#### With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(n), Projects that alter the course of or disturb less than 50 linear feet, measured along the thread of the

channel, of an intermittent nontidal stream channel or its banks provided construction is performed during periods of non-flow.

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

5. The applicant has proposed a common driveway for two lots rather than individual impacts for access to each lot.

6. A waiver has been submitted in accordance with Administrative Rule Part Env-Wt 204 to address the wetland delineation portion of Administrative Rule Env-Wt 304.09(a) on the approximately 240-acre Remaining Land lot.

7. The applicant has provide supplemental wetlands and topography information for the 240-acre Remaining Land lot, "Wetland Boundary Plan", received by DES on October 3, 2008.

8. There are currently no development plans for the 240 acre lot.

9. This approval is conditioned on a full onsite wetlands delineation if any further development is proposed for the Remaining Land lot.
10. The applicant has had wetlands field delineated and located for the proposed impact areas and wetlands that are on or directly adjacent to the 7-proposed building lots.
11. The permit is conditioned that it does not convey a property right, nor authorize any injury to property of other, nor invasion of rights of others.
12. DES has not received any objections regarding the proposed project.
13. Based on findings #7 through #12 the waiver request was approved.
14. Proposed building lots 5, 6, 7 and the Remaining Land lot contain portions of Enfield Prime Wetland #1 and its 100 foot buffer.
15. There are currently no impacts proposed within the Prime Wetland or its 100 foot buffer.
16. Future access to the Remaining Land lot through lot 7 may require impacts to the 100 foot buffer or other wetlands which will require further permitting and is a condition of this approval.
17. The existing right-of-way between lots 6 and 7 shall not be used for access at its termination to the Remaining Land lot.
18. Access to the Remaining Land lot is proposed through lot 7 and will be further assessed through a future application and permitting review.

**2008-01610                      BOLTON, CHRIS**  
**NORTH HAMPTON    Atlantic Ocean**

Requested Action:

Impact 11,984 sq. ft. within the previously disturbed/developed upland tidal buffer zone to construct a single family home with appurtenant landscaping using native coastal vegetation.

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Conservation Commission/Staff Comments:

No report or comments were received from the North Hampton Conservation Commission. The North Hampton Zoning Board of Adjustment granted a Special Exception for a single family home to be constructed at this location.

Inspection Date: 04/08/2008 by Frank D Richardson

APPROVE PERMIT:

Impact 11,984 sq. ft. within the previously disturbed/developed upland tidal buffer zone to construct a single family home with appurtenant landscaping using native coastal vegetation.

With Conditions:

1. All work shall be in accordance with plans by Eric C. Mitchell & Associates, Inc. dated July 14, 2008, as received by DES on August 11, 2008.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.
4. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(a), projects in previously developed upland areas within 100 feet of the highest observable tide line.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the

department's jurisdiction per Env-Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has taken exceptional steps to assure that all native coastal vegetation growing in the impact area of the tidal buffer zone will be removed and stored as nursery stock prior to construction to be used in landscaping the site thereafter.
6. A pre-application field inspection with Michael A. Lambert, CWS of ECMitchell & Assoc. on April 8, 2008 found this is to be a previously disturbed site which has a septic system installed.
7. All portions of the new dwelling will be more than 50 feet from the highest observable tide line.
8. Pervious pavement will be used on the driveway area.
9. This project as proposed and approved is in compliance with the NH DES Comprehensive Shoreland Protection Act, RSA 483-B.

**2008-02311                      MCGILLIVRAY, EARLE & SARAH**  
**CONWAY   Unnamed Wetland**

Requested Action:

Retain 2,120 square feet of fill within wetlands to construct an outdoor storage yard that is part of an existing self-storage business.

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Inspection Date: 07/23/2008 by Emily P Lucas

APPROVE AFTER THE FACT:

Retain 2,120 square feet of fill within wetlands to construct an outdoor storage yard that is part of an existing self-storage business.

With Conditions:

1. All work shall be in accordance with plans by H.E. Bergeron Engineers dated October 17, 2008, as received by DES on October 22, 2008.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. This permit shall be recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested.
4. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
5. Proper headwalls shall be constructed over culvert outlets.
6. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This project is classified as a Minimum Impact Project per NH Administrative Rule Env-Wt 303.04(f), as the wetland impact is less than 3,000 square feet.
2. The need for the proposed impacts has been demonstrated by the applicant per Rule Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Rule Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2008-02352                      YEATON, JOYCE & PAT DAIL**  
**EPSOM**

Requested Action:

Dredge and fill a total of 1000 square feet including 200 square feet of temporary impact within a palustrine forested wetland for

access and 30 linear feet of bank along Griffin Brook for the installation of root wads, and removal of trees across the stream.

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#### APPROVE PERMIT:

Dredge and fill a total of 1000 square feet including 200 square feet of temporary impact within a palustrine forested wetland for access and 30 linear feet of bank along Griffin Brook for the installation of root wads, and removal of trees across the stream.

#### With Conditions:

1. All work shall be in accordance with plans by Andy Chapman dated October 15, 2008, as received by the Department on October 31, 2008.
2. This permit does not allow for any dredging of deposited sediment from areas within DES jurisdiction.
3. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
4. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final construction sequencing, and stream diversion/erosion control plans. Those plans shall detail the timing and method of the entire project any stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
5. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Wetlands permitting staff, Rivers Coordinator and Non-Point Pollution Staff at the project site to review the construction sequencing, installation techniques and conditions of this wetlands permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, the professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
6. Work shall be done during low flow.
7. The root wads shall be cabled and properly secured above the top of bank.
8. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
10. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
11. No equipment shall enter the water.
12. All work shall be done from the top of the bank.
13. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during access road construction and areas cleared of vegetation to be revegetated within three days of the completion of this project.
14. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands. Faulty equipment shall be repaired prior to entering jurisdictional areas.
15. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
16. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
17. Impacts associated with the proposed access road shall be temporary in nature and any fill shall be removed to the elevation of the original hydric soils. Any ruts created shall be raked level and stabilized.
18. Mulch within the temporary impact area shall be straw.
19. Seed mix within the restoration area shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturers specifications. The receipt and contents of the wetland mix shall be supplied to NHDES within 10 days of application.
20. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
21. A post-construction report documenting the status of the restored jurisdictional area, including photographs shall be submitted to the Wetlands Bureau within 30 days of the completion of construction.
22. The Northwood Lake Watershed Association, or a designee shall conduct a follow-up inspection after the first growing season, to review the success of the root wad area and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second year following the completion of the work.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(o); Projects deemed minimum impact by the department based on the degree of environmental impact.
2. The stream diverted from it's original course in 2007, and created a new route.
3. The new route for the stream is through a historic gravel pit and is causing downstream sedimentation to Northwood Lake.
4. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
5. The applicant is proposing to stabilize the area where the stream jumped it's banks utilizing only biostabilization techniques.
6. The applicant is clearing the downed trees from within the channel to allow for better flow through the channel.
7. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
8. The proposal is a temporary measure that may become a permanent solution depending on the monitoring outcomes.
9. DES recommends that a Qualified Professional familiar with installation of root wads oversee the installation.

**FORESTRY NOTIFICATION**

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**2008-02395 REHM, SHERRY**  
**FREEDOM Unnamed Stream**

COMPLETE NOTIFICATION:  
Freedom Tax Map 3, Lot# 31

**2008-02424 WHITE MOUNTAIN NATIONAL FOREST**  
**LOW BURBANK GRA Unnamed Stream**

COMPLETE NOTIFICATION:  
Low & Burbank Grant Tax Map 1605, Lot# 4

**2008-02425 WHITE MOUNTAIN NATIONAL FOREST**  
**SHELBURNE Unnamed Stream Androscoggin River**

COMPLETE NOTIFICATION:  
Shelburne Tax Map 7, Lot# 2

**2008-02426 WHITE MTN NATIONAL FOREST**  
**SHELBURNE East Brook**

COMPLETE NOTIFICATION:  
Shelburne Tax Map 3, Lot# 20

**2008-02427 WHITE MOUNTAIN NATIONAL FOREST**  
**RANDOLPH Tributary To Keenan Brook**

COMPLETE NOTIFICATION:  
Randolph Tax Map 14, Lot# 1

**2008-02429                      WHITE MTN NATIONAL FOREST  
MARTINS LOCATION   Unnamed Stream**

COMPLETE NOTIFICATION:

Martins Location Tax Map 1608, Lot# 4

**2008-02548                      MORIN, JOSEPH  
MILAN   Unnamed Stream**

COMPLETE NOTIFICATION:

Milan Tax Map 131, Lot# 14

**2008-02549                      OLAUGHLIN, SEAN  
WHITEFIELD   Unnamed Stream**

COMPLETE NOTIFICATION:

Whitefield Tax Map 208, Lot# 7

**2008-02551                      SCRUTON, CATHLEEN  
ALLENSTOWN   Unnamed Stream**

COMPLETE NOTIFICATION:

Allenstown Tax Map 410, Lot# 24

**2008-02552                      PFEFFERLE, CHERYL BAILEY  
ALLENSTOWN   Unnamed Stream**

COMPLETE NOTIFICATION:

Allenstown Tax Map 410, Lot# 27

**2008-02553                      WITHINGTON, RICHARD  
ANTRIM   Unnamed Stream**

COMPLETE NOTIFICATION:

Antrim Tax Map 247, Lot# 7

**2008-02554                      SPNHF  
CORNISH   Unnamed Stream**

COMPLETE NOTIFICATION:

Cornish Tax Map 9, Lot# 8 & 9

**2008-02555                      POWERS, DANIEL & JANICE  
MONROE   Unnamed Stream**

COMPLETE NOTIFICATION:  
Monroe Tax Map R5, Lot# 5

**2008-02570**                      **WOODMAN, LIZ**  
**MILTON**   **Unnamed Stream**

COMPLETE NOTIFICATION:  
Milton Tax Map 35, Lot# 3

**2008-02571**                      **CHOCORUA FORESTLANDS LLC, JEFFERY COOMBS**  
**BATH**   **Unnamed Stream**

COMPLETE NOTIFICATION:  
Bath Tax Map 13, Lot# 3, 4

**2008-02572**                      **CAMPBELL, HARVEY**  
**WINCHESTER**   **Unnamed Stream**

COMPLETE NOTIFICATION:  
Winchester Tax Map 2, Lot# 13

**2008-02574**                      **PERKINS, PIKE**  
**TAMWORTH**   **Unnamed Stream**

COMPLETE NOTIFICATION:  
Tamworth Tax Map 420, Lot# 4

**2008-02576**                      **CROWE, CHRIS & REBECCA**  
**LISBON**   **Unnamed Stream**

COMPLETE NOTIFICATION:  
Lisbon Tax Map 48, Lot# 12

**2008-02578**                      **PHELPS, EDWARD**  
**WEBSTER**   **Unnamed Stream**

COMPLETE NOTIFICATION:  
Webster Tax Map 6, Lot# 71-2

**2008-02583**                      **UNIVERSITY OF NH - WOODLANDS OFFICE, KINAMAN FARM**  
**DURHAM**   **Unnamed Stream**

COMPLETE NOTIFICATION:  
Durham Tax Map 14, Lot# UNH

**2008-02589 MT CRANMORE SKI RESORT**  
**CONWAY Unnamed Stream**

COMPLETE NOTIFICATION:  
Conway Tax Map 214, Lot# 84

**2008-02590 DUBEY, DAVE & JILL**  
**DUMMER Unnamed Stream**

COMPLETE NOTIFICATION:  
Dummer Tax Map R20, Lot# 203

**2008-02591 DUMMER, TOWN OF**  
**DUMMER Unnamed Stream**

COMPLETE NOTIFICATION:  
Dummer Tax Map R21, Lot# 66

**2008-02592 DUMMER, TOWN OF**  
**DUMMER Unnamed Stream**

COMPLETE NOTIFICATION:  
Dummer Tax Map R18, Lot# 3

**2008-02594 ROBINSON, WILLIAM**  
**LEMPSTER Unnamed Stream**

COMPLETE NOTIFICATION:  
Lempster Tax Map 4, Lot# 48-3

**2008-02595 STIESS/ LLOYD, JOHN/ PAUL**  
**MILAN Unnamed Stream**

COMPLETE NOTIFICATION:  
Milan Tax Map 133, Lot# 4

**2008-02596 MONADNOCK PAPER MILLS INC**  
**HANCOCK Unnamed Stream**

COMPLETE NOTIFICATION:  
Hancock Tax Map R16, Lot# 11A & 12

**2008-02597 MANCHESTER WATER WORKS**  
**CANDIA Unnamed Stream**



COMPLETE NOTIFICATION:

Candia Tax Map 411, Lot# 4

**2008-02598                      DOLE, SUMNER & KATHLEEN  
CANTERBURY   Unnamed Stream**

COMPLETE NOTIFICATION:

Canterbury Tax Map 215, Lot# 3

**2008-02600                      SANBORN, ROGER  
SALISBURY   Unnamed Stream**

COMPLETE NOTIFICATION:

Salisbury Tax Map 244, Lot# 7

**2008-02601                      SANBORN, ROGER  
SALISBURY   Unnamed Stream**

COMPLETE NOTIFICATION:

Salisbury Tax Map 48, Lot# 3

**2008-02602                      THWIN/ BUSH, SOO SOO/ DAVID  
DEERFIELD   Unnamed Stream**

COMPLETE NOTIFICATION:

Deerfield Tax Map 410, Lot# 42, 43, 72

**2008-02603                      MT WILLIAMS INC, CHRIS BOLTON  
WEARE   Unnamed Stream**

COMPLETE NOTIFICATION:

Weare Tax Map 406, Lot# 4

**2008-02604                      SCHNEIDER, SHIRLEY  
LISBON   Unnamed Stream**

COMPLETE NOTIFICATION:

Lisbon Tax Map 38, Lot2

**2008-02606                      CERSOSIMO INDUSTRIES INC.  
WARNER   Unnamed Stream**

COMPLETE NOTIFICATION:

Warner Tax Map 12, Lot# 20

**2008-02607                      OLSON, RANDALL**  
**PLAINFIELD   Unnamed Stream**

COMPLETE NOTIFICATION:  
Plainfield Tax Map 215, lot# 15

**2008-02608                      COUNTY OF MERRIMACK**  
**BOSCAWEN   Unnamed Stream**

COMPLETE NOTIFICATION:  
Boscawen Tax Map 49, Lot# 21

**2008-02613                      GEORGE, ALAN & MARY MACKILLOP**  
**WAKEFIELD   Unnamed Stream**

COMPLETE NOTIFICATION:  
Wakefield Tax Map 133, Lot# 1

**2008-02614                      CROCKER, JEANNE**  
**BARTLETT   Unnamed Stream**

COMPLETE NOTIFICATION:  
Bartlett Tax Map 1THORN, Lot# 160R00 A & C

## EXPEDITED MINIMUM

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**2008-00198                      DOVE, MARK**  
**CANAAN   Unnamed Wetland**

Requested Action:  
Proposal to install twin 12-inch culverts for construction of an access road for timber management impacting 2900 sq. ft. of wetlands.

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DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:  
Deny permit proposal to install twin 12-inch culverts for construction of an access road for timber management impacting 2900 sq. ft. of wetlands.

With Findings:

1. A request for additional information dated March 4, 2008, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. Pursuant to RSA 482-A:3, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.

3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

**2008-00199                      DOVE, MARK**  
**CANAAN   Unnamed Wetland**

Requested Action:

Proposal to impact 1900 sq. ft. of wetlands to construct an access road for timber management activities.

\*\*\*\*\*

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny proposal to impact 1900 sq. ft. of wetlands to construct an access road for timber management activities.

With Findings:

1. A request for additional information dated March 4, 2008, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. Pursuant to RSA 482-A:3, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

**2008-01013                      YANKEE BARN ROAD REALTY TRUST, ROBERT & SUSAN OLIV**  
**GRANTHAM   Unnamed Wetland**

Requested Action:

Proposal to dredge and fill approximately 19,700 sq. ft. of poorly drained wetlands to create a multiuse 3.6 acre pond.

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APPROVE PERMIT:

Dredge and fill approximately 1,250 sq. ft. of wetlands to create a 3.9 acre multiuse: wildlife, fire prevention, stormwater and recreation pond.

With Conditions:

1. All work shall be in accordance with plans by Darrow Civil Engineering, PLLC, plan sheets 1 and 3 of 3 revision dated through October 16, 2008, as received by DES on November 7, 2008.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require additional permitting by the Bureau.
3. This permit is contingent on approval by the DES Alteration of Terrain Program.
4. A New Hampshire Licensed Engineer shall oversee the project to assure it is conducted in accordance with the approved plans.
5. Work shall be done during low flow.
6. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during construction.
7. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands and surface waters.
10. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
11. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
12. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be

stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

13. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.

14. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

15. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

16. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.

17. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

18. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

19. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

**With Findings:**

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(p) Construction of a pond with less than 20,000 sq. ft. of wetlands impact.

2. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

3. The original pond design has been modified to include transitional water depth areas to promote wildlife usage, protect an at least 50 ft. natural buffer between the pond site and than adjacent Sawyer Brook.

4. The applicant has been working with the Town Conservation Commission to provide land protection areas along Sawyer Brook.

5. The impacts from that original design have been reduced by modifying the pond and further site investigation and subsequent changes to wetland delineation boundaries.

6. The applicant has been working with the DES Wetlands Bureau Compliance Section for restoration of other wetland impacts on the site.

7. The applicant has designed the pond shape in an attempt to preserve an area of existing trees on the site.

**2008-01729                      MACKENZIE, MARK**  
**SURRY    Unnamed Stream**

**Requested Action:**

Dredge and fill 725 sq. ft. (48 linear feet) of intermittent stream to install two 36-inch x 24-foot CPP driveway culverts for access to two  $\pm$  2 acre lots of a 3-lot subdivision on  $\pm$  20 acres.

\*\*\*\*\*

**APPROVE PERMIT:**

Dredge and fill 725 sq. ft. (48 linear feet) of intermittent stream to install two 36-inch x 24-foot CPP driveway culverts for access to two  $\pm$  2 acre lots of a 3-lot subdivision on  $\pm$  20 acres.

**With Conditions:**

1. All work shall be in accordance with plans by Brickstone Masons, Inc. dated July 28, 2008, as received by the Department on August 27, 2008 and Subdivision Plans dated July 24, 2008, and revised through July 29, 2008, as received by the Department on September 22, 2008.

2. This permit is contingent on approval by the DES Subsurface Systems Bureau.

3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.

4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition # 3 of this approval.

5. Work shall be done during low flow conditions.

6. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Culverts shall be laid at original grade.
11. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(n), Projects that alter the course of or disturb less than 50 linear feet, measured along the thread of the channel, of an intermittent nontidal stream channel or its banks provided construction is performed during periods of non-flow.
2. No comments were submitted from the federal agencies, NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau and the Conservation Commission signed the Minimum Impact Expedited Application.
3. The applicant has confirmed that there is upland access to the remaining 15.7 acre lot.
4. The applicant's agent has confirmed that as a result of town regulations, providing a single crossing to the two lots would not reduce the impact.
5. The applicant has provided a waiver request per Env-Wt 204, to waive the wetland delineation over the remaining 15.7 acre lot as required by Env-Wt 304.09(a).
6. The applicant has had a Certified Wetland Scientist field delineate the area of the proposed residential subdivision.
7. The parcel to which the waiver applies is currently developed and is the residence of the applicant.
8. There will be no adverse effect to the environment or natural resources of the state, public health, or public safety; or on abutting properties that is more significant than that which would result from complying with the Env-Wt 304.09(a).
9. The waiver is granted in accordance with Env-Wt 204.04(b), as strict compliance with the rule will provide no benefit to the public and will cause an operational or economic hardship to the applicant.
10. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
11. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
12. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2008-01906                      OGRADY REVOC TRUST 1997, ELIZABETH  
LEMPSTER   Unnamed Wetland**

Requested Action:

Dredge and fill 2,950 sq. ft. of palustrine forested wetlands for road access to a 5-lot subdivision on  $\pm$  51.53 acres.

\*\*\*\*\*

APPROVE PERMIT:

Dredge and fill 2,950 sq. ft. of palustrine forested wetlands for road access to a 5-lot subdivision on  $\pm$  51.53 acres.

With Conditions:

1. All work shall be in accordance with plans by Thomas C. Dombroski dated September 20, 2007 and August 29, 2008, as received by the Department on September 15, 2008 and Subdivision Plans dated October 09, 2008, as received by the Department on November 03, 2008.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition # 3 of this

approval.

5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
6. Work shall be done during low flow conditions.
7. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. Culverts shall be laid at original grade.
12. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), Projects involving alteration of less than 3,000 square feet in swamps or wet meadows.
2. No comments were submitted from the federal agencies, NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau and the Conservation Commission signed the Minimum Impact Expedited Application.
3. The applicant has provided a waiver request per Env-Wt 204, to waive the wetland delineation over the remaining lot as required by Env-Wt 304.09(a).
4. The area to which the waiver applies will be placed in a conservation easement.
5. It would be an economic hardship for the owner to have the entire 41.87 acres delineated in the field.
6. This permit is conditioned that there shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
7. There will be no adverse effect to the environment or natural resources of the state, public health, or public safety; or on abutting properties that is more significant than that which would result from complying with the Wt 304.09(a).
8. The waiver is granted in accordance with Wt 204.04(b), as strict compliance with the rule will provide no benefit to the public and will cause an operational or economic hardship to the applicant.
9. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
10. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
11. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2008-02054                      MEEHAN, EILEEN**  
**SOUTH SUTTON    Blaisdell Lake**

Requested Action:

Repair an existing 20 feet of retaining wall with no change in location or configuration on Blaisdell Lake, Sutton.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com signed Exp Application on 09/24/08

APPROVE PERMIT:

Repair an existing 20 feet of retaining wall with no change in location or configuration on Blaisdell Lake, Sutton.

With Conditions:

1. All work shall be in accordance with plans by Sunset Hill Designs, as received by DES on November 03, 2008.

2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
3. Work shall be done during drawdown.
4. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. Repair shall maintain existing size, location and configuration.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(c), repair or replacement of existing retaining walls that is performed "in the dry".

**2008-02075                      CAREY, JAMES & LYNN**  
**BRADFORD Lake Todd**

Requested Action:

Install a 6 ft x 24 ft stairs in the bank, repair an existing drainage swale with rip rap and natural plantings on Lake Todd, Bradford.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com signed Exp Application on 09/17/08

APPROVE PERMIT:

Install a 6 ft x 24 ft stairs in the bank, repair an existing drainage swale with rip rap and natural plantings on Lake Todd, Bradford.

With Conditions:

1. All work shall be in accordance with plans by Denise Rico revision dated November 06, 2008, as received by DES on November 14, 2008.
2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
3. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Work shall be done during drawdown.
6. Work shall be done during low flow.
7. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(x), maintenance, repair, or replacement of a nondocking structure such as a culvert, headwall, bridge, dam, residential utility line, or rip-rap slope of less than 50 linear feet.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

**2008-02163                      WILLETT, WALTER**  
**SANBORTON Hermit Lake**

Requested Action:

Replace an existing 38 foot retaining wall behind the existing 38 foot retaining wall on Hermit Lake, Sanbornton.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com signed Exp application on October 02, 2008

APPROVE PERMIT:

Replace an existing 38 foot retaining wall behind the existing 38 foot retaining wall on Hermit Lake, Sanbornton.

With Conditions:

1. All work shall be in accordance with plans as received by DES on October 09, 2008
2. Area shall be regraded to original contours following completion of work.
3. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
4. Retaining wall shall be constructed landward of the shoreline defined by the elevation of normal high water so as not to create land in public water.
5. Work shall be done during drawdown.
6. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(c), repair of existing retaining walls.

**2008-02207                      MARSHALL, CAROL**  
**NEWBURY   Sunapee Lake**

Requested Action:

Repair an existing "U" shaped permanent docking structure consisting of a 10 ft x 26 ft dock supported by a 10 ft x 16 ft crib connected to a 12 ft x 24 ft dock supported by a 12 ft x 16 ft crib by a 5 ft x 10 ft 6 in walkway, providing 3 slips on Lake Sunapee, New London.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Repair an existing "U" shaped permanent docking structure consisting of a 10 ft x 26 ft dock supported by a 10 ft x 16 ft crib connected to a 12 ft x 24 ft dock supported by a 12 ft x 16 ft crib by a 5 ft x 10 ft 6 in walkway, providing 3 slips on Lake Sunapee, New London.

With Conditions:

1. All work shall be in accordance with plans by Richard Green, as received by DES on October 14, 2008.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. The repairs shall maintain the size, location and configuration of the pre-existing structures.
4. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
5. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
6. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.



7. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
8. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
9. This permit does not allow for dredging for any purpose.
10. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
11. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
12. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

**2008-02420                      KELLY, EDWARD**  
**STRAFFORD   Bow Lake**

Requested Action:

Replace an existing 18 ft x 27 ft dug in boat house "in kind" on Bow Lake, Strafford.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com signed Exp Application on 11/04/08

APPROVE PERMIT:

Replace an existing 18 ft x 27 ft dug in boat house "in kind" on Bow Lake, Strafford.

With Conditions:

1. All work shall be in accordance with plans by David Whitcher dated October 05, 2008, as received by DES on November 07, 2008.
2. This permit shall not be effective until it has been recorded with the County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
4. Dredged material and construction debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. Repair shall maintain existing size, location and configuration.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Work shall be done during drawdown.
8. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

## TRAILS NOTIFICATION

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**2008-02210                      LECLERC, LAURENT**  
**ACWORTH   Unnamed Stream**

COMPLETE NOTIFICATION:  
Acworth Tax Map 223, Lot# 6

**2008-02403                      DRED, NH**  
**CLARKSVILLE   Unnamed Stream**

COMPLETE NOTIFICATION:  
Clarksville GNWMA Trail # 20

**2008-02556                      LANGEUIN, ARTHUR**  
**LANCASTER   Unnamed Stream**

COMPLETE NOTIFICATION:  
Lancaster Tax Map R16, Lot# 41

**2008-02564                      NH DEPT OF TRANSPORTATION**  
**TILTON   Unnamed Wetland Unnamed Stream**

COMPLETE NOTIFICATION:  
Tilon Tax Map U4, R23 & R24 Lot # ROW

**2008-02599                      DRED - TRAILS BUREAU**  
**NOTTINGHAM   Unnamed Stream**

COMPLETE NOTIFICATION:  
Nottingham Tax Map 76, Lot# PSP

## PERMIT BY NOTIFICATION

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**2008-02263                      WRIGHT, ROBERT**  
**SEABROOK   Shepards Brook**

Requested Action:  
Request to temporarily impact 3 linear feet within the banks of Shepard Brook for the installation of residential utility lines for a single family residential dwelling.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The Seabrook Conservation Commission did not sign the PBN application.

PBN DISQUALIFIED:

Request to temporarily impact 3 linear feet within the banks of Shepard Brook for the installation of residential utility lines for a single family residential dwelling.

With Findings:

1. On October 27, 2008 issued a notice of incomplete permit by notification letter requesting additional information.
2. The requested information was not received within 20 days from the date of the aforementioned letter, the application has been disqualified from the notification process.

**2008-02365                      PICARILLO, DAVID**  
**MOULTONBOROUGH   Lake Winnepesaukee**

Requested Action:

Install a seasonal dock and a PWC lift on Lake Winnepesaukee, Moultonborough.

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PBN IS COMPLETE:

Install a seasonal dock and a PWC lift on Lake Winnepesaukee, Moultonborough.

**2008-02396                      PSNH, PAUL MEEHAN**  
**NOTTINGHAM   Unnamed Wetland**

Requested Action:

Temporarily impact 7,576 sq. ft. of wetlands for installation of mats for utility line maintenance

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PBN IS COMPLETE:

Temporarily impact 7,576 sq. ft. of wetlands for installation of mats for utility line maintenance

**2008-02500                      PSNH**  
**MANCHESTER   Unnamed Wetland**

Requested Action:

Proposal to temporarily impact 3,360 sq. ft. of wetlands using swamp mats for access to repair an existing utility pole.

\*\*\*\*\*

PBN IS COMPLETE:

Permit to temporarily impact 3,360 sq. ft. of wetlands using swamp mats for access to repair an existing utility pole.

With Findings:

1. Env-Wt 506.01 Projects Qualifying for Permit by Notification.
  - (a) The following projects shall qualify for the permit by notification process
- (14) Temporary impacts associated with the inspection, maintenance and repair of existing utility lines within an existing utility right-of-way that meet the criteria of Env-Wt 303.04(af).
2. This is a minimum impact project per Administrative Rule Env-Wt 303.04(af) Temporary impacts associated with the inspection, maintenance, and repair of existing utility lines within an existing utility right of way provided:
  - (1) Total jurisdictional impacts shall not exceed one acre;

- (2) The equipment used shall be designed to have low ground contact pressure or placed on temporary swamp mats so as to minimize rutting of the soils;
  - (3) The work shall be conducted under low flow or low groundwater conditions, or during frozen ground conditions;
  - (4) Access routes through the right of way shall be designed to minimize impacts to jurisdictional areas;
  - (5) The equipment shall be operated and maintained to avoid spillage of oil, gas, or hydraulic fluids;
  - (6) Refueling of equipment shall occur a minimum of 100 feet away from wetland and surface waters or both;
  - (7) All temporary impacts to wetlands shall be regraded to original contours and stabilized within 72 hours following the completion of work and within 30 days of the start of work;
  - (8) Stream impacts shall be limited to intermittent stream beds less than 10 feet in width and shall be conducted during low flow conditions;
  - (9) No work shall be done in or adjacent to prime wetlands; and
  - (10) The project does not meet the criteria of Env-Wt 303.02(k).
3. A seasonally flooded red maple swamp community and the banded sunfish were identified by the NH Natural Heritage Bureau (NHB) as being near the project site. The New Hampshire Fish and Game Department and NHB submitted comments suggesting there would be no impact due to the type of project and timing of the project.

**2008-02520                      PSNH**  
**FREMONT   Unnamed Wetland**

Requested Action:

Temporarily impact 2,832 square feet of wet meadow and scrub shrub swamp to deploy timber mats and temporary equipment bridges to enable equipment passage for the maintenance/repair of the R-193, 115kV transmission line within the existing right-of-way in Fremont and Brentwood.

\*\*\*\*\*

PBN IS COMPLETE:

Temporarily impact 2,832 square feet of wet meadow and scrub shrub swamp to deploy timber mats and temporary equipment bridges to enable equipment passage for the maintenance/repair of the R-193, 115kV transmission line within the existing right-of-way in Fremont and Brentwood.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(af) Temporary impacts associated with the inspection, maintenance, and repair of existing utility lines within an existing utility right of way.

**2008-02526                      WILMOT, TOWN OF**  
**WILMOT   Chase Pond**

Requested Action:

Dredge and fill 200 square feet within the bed and bank of Chase Pond, impacting no more than 10 linear feet of bank for the installation of a dry hydrant.

\*\*\*\*\*

PBN IS COMPLETE:

Dredge and fill 200 square feet within the bed and bank of Chase Pond, impacting no more than 10 linear feet of bank for the installation of a dry hydrant.

**2008-02547                      WRIGHT, ROBERT**  
**SEABROOK   Shepards Brook**

Requested Action:

Temporarily impact 3 linear feet within the banks of Shepard Brook for the installation of residential utility lines for a single family residential dwelling.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The Seabrook Conservation Commission signed the PBN.

PBN IS COMPLETE:

Temporarily impact 3 linear feet within the banks of Shepard Brook for the installation of residential utility lines for a single family residential dwelling.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(ae) Installation of residential utility lines and associated temporary impacts to permit utility services for a single family building lot

**2008-02579                      ANDERSON, PHILIP**  
**MILTON   Salmon Falls River**

Conservation Commission/Staff Comments:

Con Com did not sign application

With Findings:

Repair of existing wall.

**2008-02585                      PSNH**  
**BEDFORD   Unnamed Wetland**

Requested Action:

Permit to temporarily impact 1,524 sq. ft. of wetlands using swamp mats for access to repair/replace an existing utility pole.

\*\*\*\*\*

PBN IS COMPLETE:

Permit to temporarily impact 1,524 sq. ft. of wetlands using swamp mats for access to repair/replace an existing utility pole.

With Findings:

1. Env-Wt 506.01 Projects Qualifying for Permit by Notification.
  - (a) The following projects shall qualify for the permit by notification process
- (14) Temporary impacts associated with the inspection, maintenance and repair of existing utility lines within an existing utility right-of-way that meet the criteria of Env-Wt 303.04(af).
2. This is a minimum impact project per Administrative Rule Env-Wt 303.04(af) Temporary impacts associated with the inspection, maintenance, and repair of existing utility lines within an existing utility right of way provided:
  - (1) Total jurisdictional impacts shall not exceed one acre;
  - (2) The equipment used shall be designed to have low ground contact pressure or placed on temporary swamp mats so as to minimize rutting of the soils;
  - (3) The work shall be conducted under low flow or low groundwater conditions, or during frozen ground conditions;
  - (4) Access routes through the right of way shall be designed to minimize impacts to jurisdictional areas;
  - (5) The equipment shall be operated and maintained to avoid spillage of oil, gas, or hydraulic fluids;
  - (6) Refueling of equipment shall occur a minimum of 100 feet away from wetland and surface waters or both;
  - (7) All temporary impacts to wetlands shall be regraded to original contours and stabilized within 72 hours following the completion

- of work and within 30 days of the start of work;
- (8) Stream impacts shall be limited to intermittent stream beds less than 10 feet in width and shall be conducted during low flow conditions;
- (9) No work shall be done in or adjacent to prime wetlands; and
- (10) The project does not meet the criteria of Env-Wt 303.02(k).

## CSPA PERMIT

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**2008-01698                      ANDERSEN, GAIL**  
**MOULTONBOROUGH   Lake Winnepesaukee**

### Requested Action:

Impact 212 sq ft to install a frost wall and enclose a porch and deck.

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### APPROVE PERMIT:

Impact 212 sq ft to install a frost wall and enclose a porch and deck.

### With Conditions:

1. All work shall be in accordance with plans by Bill Shwaner received by the Department of Environmental Services ("DES") on November 3, 2008.
2. There shall be no increase in impervious surface within the protected shoreland unless additional approval is obtained from DES.
3. The project as proposed will impact no existing unaltered areas within the Natural Woodland Buffer beyond the primary building setback.
4. This permit is contingent on approval by the DES Subsurface Systems Bureau if the structure is dependant on an on-site septic system.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2008-01804                      PUBLIC SERVICE OF NH**  
**MANCHESTER   Merrimack River**

### Requested Action:

Impact 1,200 sq ft of previously altered areas for the installation of an underground communications cable and catch basin.

\*\*\*\*\*

### APPROVE AMENDMENT:

Impact 1,200 sq ft of previously altered areas for the installation of an underground communications cable and catch basin.

### With Conditions:

1. All work shall be in accordance with revised plans by CLD Consulting Engineers dated June 2000 and received by the

Department of Environmental Services ("DES") on November 10, 2008.

2. No more than 15.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 20,600 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 10,300 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. The proposed catch basin shall not direct stormwater for discharge into the Merrimack River prior to subgrade infiltration or other means of treatment.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. The project shall not impact wildlife identified as sensitive species by the NH Natural Heritage Bureau as there are no impacts proposed within the bank of the Merrimack River or within jurisdictional wetlands.

**2008-02141                      MURRAY, STEPHEN**  
**ACWORTH   Crescent Lake**

Requested Action:

Impact 2,500 sq ft in order to replace an existing foundation with concrete frost walls.

\*\*\*\*\*

APPROVE PERMIT:

Impact 2,500 sq ft in order to replace an existing foundation with concrete frost walls.

With Conditions:

1. All work shall be in accordance with plans by Stephen Murray dated September 15, 2008 and received by the Department of Environmental Services ("DES") on October 6, 2008.
2. There shall be no increase in impervious surface within the protected shoreland unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 4,400 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 3,250 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by

mulching with tack or netting and pinning on slopes steeper than 3:1.

**2008-02259                      A & T FOREST PRODUCTS INC**  
**HENNIKER   Contoocook River**

**Requested Action:**

Impact 3730 sq ft for the purpose of relocating and improving an existing roadway and the creation of a retention pool, ditch lines, and rip-rap to control run-off and erosion.

\*\*\*\*\*

**APPROVE PERMIT:**

Impact 3730 sq ft for the purpose of relocating and improving an existing roadway and the creation of a retention pool, ditch lines, and rip-rap to control run-off and erosion.

**With Conditions:**

1. All work shall be in accordance with plans by Duval Survey Inc. dated June 30, 2008 and received by the Department of Environmental Services ("DES") on November 26, 2008.
2. No more than 10.52% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 27,600 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 21,250 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Silt fencing must be removed once the area is stabilized.

**2008-02369                      JORDAN, BRUCE**  
**DALTON   Mirror Lake**

**Requested Action:**

Impact 3,018 sq ft to remove an existing concrete slab and footings, regrade and reseed area.

\*\*\*\*\*

**APPROVE PERMIT:**

Impact 3,018 sq ft to remove an existing concrete slab and footings, regrade and reseed area.

**With Conditions:**

1. All work shall be in accordance with plans by Larry Rexford dated October 21, 2008 and received by the Department of Environmental Services ("DES") on November 3, 2008.
2. No impervious surfaces shall be added within the protected shoreland unless additional approval is obtained from DES.
3. The project as proposed will impact no existing unaltered areas within the Natural Woodland Buffer beyond the primary building setback.



4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2008-02378                      FARMHOUSE INC, MARY MAILAND**  
**CENTER SANDWICH   Squam Lake**

Requested Action:

Impact 600 sq ft to construct a concrete slab and replace pre-existing accessory structure.

\*\*\*\*\*

APPROVE PERMIT:

Impact 600 sq ft to construct a concrete slab and replace pre-existing accessory structure.

With Conditions:

1. All work shall be in accordance with plans by Joe Price Builders, LLC dated September 2008 and received by the Department of Environmental Services ("DES") on November 3, 2008.
2. There shall be no increase in the impervious surface coverage of the lot within the protected shoreland unless additional approval is obtained from DES.
3. The project as proposed will not remove any of the Natural Woodland Buffer beyond the primary building setback in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

**2008-02413                      CHISHOLM, BARRY**  
**PITTSBURG   Back Lake**

Requested Action:

Impact 1724 sq ft for the construction of a single family dwelling, backfilling an existing septic system and water line.

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APPROVE PERMIT:

Impact 1724 sq ft for the construction of a single family dwelling, backfilling an existing septic system and water line.

With Conditions:

1. This permit is contingent on approval by the DES Subsurface Systems Bureau or notification that the existing septic system

permit dated 1973 is still valid.

2. All work shall be in accordance with plans by Karen Dickson dated October, 30 2008 and received by the Department of Environmental Services ("DES") on November 5, 2008.
3. No more than 5.99% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 3,000 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2800 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

**2008-02415                      WBTSCC INC, BOB DIODATI**  
**RYE   Witch Creek**

Requested Action:

Impact 2449 sq ft for the purpose of relocating an existing sand bunker on a golf course.

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APPROVE PERMIT:

Impact 2449 sq ft for the purpose of relocating an existing sand bunker on a golf course.

With Conditions:

1. All work shall be in accordance with plans by NHSC Inc. dated October 22, 2008 and received by the Department of Environmental Services ("DES") on November 7, 2008.
2. No chemicals shall be applied, including pesticides or herbicides of any kind except as allowed under special permit issued by the division of pesticide control under rules adopted by the pesticide control board under RSA 541-A, or fertilizers of any kind except those specified in RSA 483-B:9, II(d).
3. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
4. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

**2008-02416                      QUIMBY, GEORGE**  
**HILLSBOROUGH   Franklin Pierce Lake**

Requested Action:

Impact 9921 sq ft for the purpose of constructing a single family dwelling, a garage, a driveway, and reconfiguring the existing driveway.

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APPROVE PERMIT:

Impact 9921 sq ft for the purpose of constructing a single family dwelling, a garage, a driveway, and reconfiguring the existing driveway.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Service Inc. dated November 6, 2008 and received by the Department of Environmental Services ("DES") on November 7, 2008.
2. No more than 12.92% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 12,000 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 3607.5 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

CSPA PERMIT W/VARIANCE

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**2008-02316                      RAHALL, PHILIP**  
**ALTON   Lake Winnepesaukee**

Requested Action:

Impact 4340 sq ft to construct a single family dwelling and associated accessory structures.

VARIANCE APPROVED: RSA 483-B:9, V, (g), 2, is varied to allow the construction of impervious surfaces covering more than 20% of the area of the lot within the protected shorelands without the replanting of the Waterfront Buffer.

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APPROVE PERMIT:

Impact 4340 sq ft to construct a single family dwelling and associated accessory structures.

VARIANCE APPROVED: RSA 483-B:9, V, (g), 2, is varied to allow the construction of impervious surfaces covering more than 20% of the area of the lot within the protected shorelands without the replanting of the Waterfront Buffer.

With Conditions:

1. All work shall be in accordance with plans by Tom Varney dated November 24, 2008 and received by the Department of Environmental Services ("DES") on November 25, 2008.
2. This approval includes a variance of RSA 483-B:9,V, (g),(2) and, therefore, shall not be effective until it has been recorded at the Belknap County Registry of Deeds and a copy of the recorded approval is sent to the department by certified mail, return receipt requested.
3. No more than 29.3% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 675 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 675 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
11. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. In accordance with RSA 483-B:9, V(g), "the commissioner shall have the authority to grant variances from the minimum standards of this section. Such authority shall be exercised subject to the criteria which govern the grant of a variance by a zoning board of adjustment under RSA 674:33, I(b)."
2. The property on which the project will occur is located completely outside the waterfront buffer. Thus the applicant cannot possibly address the requirements of RSA 483-B:9,V, (g),(2).
3. Prohibiting the construction of more than 20% impervious surface on this lot as would otherwise be allowed if the Waterfront Buffer was included within the lot, would result in an unnecessary hardship on the owner.
4. The proposed project will not injure the public or private rights of others.
5. Granting the variance will be not contrary to the public interest.
6. Granting the variance will do substantial justice by allowing the property owner to maintain and enjoy a significant property right while upholding the spirit of the CSPA and preserving the private rights and interests of the public.
7. This variance approval in no way allows the construction of more than 30% impervious surface coverage within protected shorelands on the lot.

**CSPA PERMIT W/WAIVER**

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**2008-00694                      PAPIA, JAMES**  
**HAMPSTEAD   Sunset Lake**

Requested Action:

Replace a nonconforming structure with a nonconforming structure and install a septic system on property with approximately 173 ft of frontage on Sunset Lake in Hampstead.

WAIVER APPROVED: RSA 483-B:9, II is waived to allow construction of a primary structure within the primary building setback.  
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APPROVE PERMIT:

Replace a nonconforming structure with a nonconforming structure and install a septic system on property with approximately 173 ft of frontage on Sunset Lake in Hampsted.

WAIVER APPROVED: RSA 483-B:9, II is waived to allow construction of a primary structure within the primary building setback.

With Conditions:

1. All work shall be in accordance with revised building plans by V.W. Dingman & Sons dated November 8, 2008 and received by the Department of Environmental Services ("DES") on November 25, 2008 and revised landscaping plans by Jim Papia dated November 7, 2008 and received by DES on November 25, 2008.
2. This approval includes a wavier of the minimum standard set forth in RSA 483-B:9,II(b). This permit shall not be effective until it has been recorded with the appropriate Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. No more than 18.64% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 2,250 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,175 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. An initial vegetation monitoring report shall be submitted to DES by July 30, 2010 to review the success of the plantings and schedule remedial actions if necessary. This report shall be submitted to DES with photographs demonstrating the condition of the plantings, include any necessary remedial actions, and contain a schedule for completing the remedial actions. The report shall reference the Shoreland Permit number and be sent to the DES Wetlands Bureau, 29 Hazen Drive, Concord, NH 03302.
6. Proposed plantings shall have a 100% survival success rate upon post construction inspection from DES or the areas shall be replanted until the 100% success rate is achieved.
7. The proposed "Eco Stone" brand pervious pavers shall be installed and maintained in accordance with the manufacturers specifications.
8. The proposed pervious pavers shall be sufficient to provide effective stormwater infiltration.
9. This permit is contingent on an approved wetlands permit for impacts proposed within wetlands jurisdiction.
10. This permit is contingent on approval by the DES Subsurface Systems Bureau.
11. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
12. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
13. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
14. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
15. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. The existing non-conforming residence is located within the 50 ft primary building setback to Sunset Lake and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
3. The applicant has proposed to increase the setback of the structure to the protected waters, plant additional native vegetation to improve soil retention and wildlife habitat, and upgrade the wastewater treatment system and, therefore, meets the requirements for a

waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

**2008-01192                      CARNEY, DAVID & CAREEN**  
**BARNSTEAD   Suncook Lakes**

**Requested Action:**

Replace an existing nonconforming primary structure located within the primary building setback (the "Setback") with a proposed nonconforming primary structure on property with approximately 182 ft of shoreline frontage as specified on revised building plans and stormwater control plans by Varney Engineering, LLC dated July 28, 2008 and received by the Department of Environmental Services ("DES") on August 1, 2008.

**WAIVER APPROVED:** Pursuant to RSA 483-B:11 II, RSA 483-B:9 II is hereby waived to allow construction of the proposed project within the Setback.

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**Inspection Date:** 07/16/2008 by Thomas Gilbert

**APPROVE CSPA WAIVER:**

Replace an existing nonconforming primary structure located within the primary building setback (the "Setback") with a proposed nonconforming primary structure on property with approximately 182 ft of shoreline frontage as specified on revised building plans and stormwater control plans by Varney Engineering, LLC dated July 28, 2008 and received by the Department of Environmental Services ("DES") on August 1, 2008.

**WAIVER APPROVED:** Pursuant to RSA 483-B:11 II, RSA 483-B:9 II is hereby waived to allow construction of the proposed project within the Setback.

**With Conditions:**

1. All work shall be conducted in accordance with revised building plans and stormwater control plans by Varney Engineering, LLC dated July 28, 2008 and received by DES on August 1, 2008.
2. This Waiver shall not be effective unless and until it has been recorded at the Belknap County Registry of Deeds and a copy of the recorded document is sent to DES by certified mail, return receipt requested.
3. Neither the Owner nor any subsequent owner shall construct, expand, install or otherwise create any impervious surfaces within the Setback other than those shown on revised building plans and stormwater control plans by Varney Engineering, LLC dated July 28, 2008 and received by DES on August 1, 2008.
4. This Waiver shall run with the land and be binding upon the Owner and all subsequent owners of the Subject Property.
5. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
6. The Applicant shall install the proposed septic system within 2 months of completion of the exterior dimensions of the proposed primary structure.
7. This waiver is contingent on review and approval of the project by the DES Subsurface Systems Bureau.
8. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
9. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. A copy of the recorded Waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
11. This Waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
12. The owner shall maintain compliance with all other applicable requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.
13. DES and the town of Barnstead pursuant to RSA 483-B:8, III, shall have the right to enforce the terms and conditions of this Waiver, including collection of their reasonable costs and attorneys' fees in bringing any such action.
14. The authorization provided herein is contingent upon compliance with all conditions specified. In the event any condition is violated, the State or town of Barnstead may seek appropriate relief, including but not limited to removal of the structure authorized

by this waiver.

With Findings:

1. The existing structure, as identified on the town of Barnstead Tax Map 32 Lot 11, is located within the 50 ft Setback to public waters and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the Comprehensive Shoreland Protection Act ("CSPA").
2. The existing structure is located approximately 26.5 ft from the reference line, has a ridgeline height of approximately 20 ft and a footprint of approximately 1,600 sq ft, providing approximately 1,340 sq ft of living space.
3. The proposed structure will be located approximately 38.5 ft from the reference line, have a ridgeline height of approximately 28 ft and a footprint of approximately 1,333 sq ft, providing approximately 2,090 sq ft of living space.
4. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
5. The Applicant has proposed to install a new septic system.
6. The Applicant has proposed to remove an existing shed occupying approximately 80 sq ft.
7. The Applicant has proposed to install stormwater controls consisting of a gutter system that shall direct stormwater to 4 proposed drywells.
8. The Applicant has proposed to construct an infiltration stripe on the property to treat stormwater and trap sediment before it enters the lake.
9. The Applicant's proposal will decrease the amount of impervious surface by approximately 347 sq ft, will increase the setback of the primary structure from the reference line by approximately 12 ft, and includes a new septic system and stormwater controls.
10. Based on this information, the Department has determined that the Applicant's proposal is more nearly conforming with RSA 483-B, the CSPA, and provides at least the same degree of protection to the public waters, and, therefore, meets the requirements of RSA 483-B:11, II to be eligible for a waiver.